

Vet Buot  
Reg. No. 20378-461  
FDC SeaTac  
P.O. Box 13900  
SeaTac, WA 98198

FILED ENTERED  
LODGED RECEIVED

FEB 10 2003 DM

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

C03-0289

Vet Buot,  
A# 27-290-441

Petitioner,

v.

JOHN D. ASHCROFT, Attorney  
General; UNITED STATES  
IMMIGRATION AND NATURALIZATION  
SERVICE, and INS District  
Director, Seattle District,

Respondents.

NOV CIV

PETITION FOR WRIT OF HABEAS  
CORPUS BY A PERSON IN FEDERAL  
CUSTODY PURSUANT TO 28 U.S.C.  
§ 2241

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FEB 18 2003 DM

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**1. Name and location of place of confinement:**

Federal Detention Center, SeaTac, 2425 S. 200th Street, SeaTac, Washington 98198, pursuant to a contractual arrangement with my custodian, the INS District Director at Seattle, Washington.

**2. Name and location of court causing confinement:**

INS District Director, Seattle, Washington.

**3. Case Name and Number: [INS file number, if known]**

A# 27-290-441

**4. Date of judgment of conviction: [Date of Order of Confinement]**

INS Order of Deportation: May 13, 1996;

INS Custody: October 17, 2002

**5. Sentencing Date: N/A**



3

1 6. Sentence: N/A

2  
3 7. Sentencing Judge: N/A

4 8. Nature of offense or offenses for which you were convicted: N/A

5  
6 9. What was your plea: N/A

7  
8 10. Kind of trial: N/A

9 11. Did you testify at trial? N/A

10 12. Did you appeal from the judgment of conviction or sentence? NO

11 [Any administrative review?]

12 13. If you did appeal, list the court to which you appealed:

13 (a) Name of Court: [or administrative tribunal]:

14 (b) Result:

15 (c) Date of Result:

16 14. Did you seek any further review? NO

17  
18 15. List the court(s) to which you sought further review?

19 (a) Name of Court: [or administrative tribunal]:

20 (b) Nature of Review:

21 (c) Result:

22 (a) Name of Court: [or administrative tribunal]:

23 (b) Nature of Review:

24 (c) Result:

25 16. Other than a direct appeal from the judgment of conviction and  
26 sentence, have you previously filed any petitions, applications,  
27 or motions with respect to your confinement  
28 in any court, state or federal?  
No.

17. GROUND FOR RELIEF:

A. My indefinite detention by respondent INS is in violation of my rights to procedural and substantive due process, as guaranteed by the Fifth Amendment to the United States Constitution.

B. My indefinite detention by respondent INS is in violation of the six-month limitation set forth in former 8 U.S.C. §§ 1252(c) and (d).

C. The substantive provisions of AEDPA and IIRIRA may not, consistent with their terms and with due process requirements, be given retroactive effect in my case.

D. Because I am seeking relief related only to my custody status, which is not inconsistent with an order of deportation, exhaustion of administrative remedies, if any, is not required.

E. My detention is unconstitutional, because I am not a flight risk, and I do not present a danger to society.

F. My detention is unconstitutional, because I am not an aggravated felon.

G. My indefinite detention is unlawful because the INS has no statutory authority pursuant to 8 U.S.C. § 1231(a)(6) to indefinitely detain me, because my removal cannot be effectuated in the foreseeable future. Zadvydas v. Davis, 121 S.Ct. 2491 (U.S. June 28, 2001) (No. 99-7791).

H. I was taken into INS custody on October 17, 2002. I was previously ordered deported to Cambodia on May 13, 1996. I have been in INS custody with a final order of deportation since October 17, 2002. As of today's date, the INS has not been able to effectuate my removal. I have done everything the INS has asked of me to try to get travel documents, and will cooperate fully in any requests that they have for information that will help that process.

I.

J.

18. Do you have any petition or appeal now pending in any court or administrative body as to the claims raised above?

NO

19. Have you exhausted your administrative remedies with respect to the claims raised above?

See 17(D), above. yes

1 20. State the administrative remedies that you pursued?

2 (a) Nature of Review:

3 (b) Result:

4 (a) Nature of Review:

5 (b) Result:

6 (a) Nature of Review:

7 (b) Result:

8  
9 21. Give the name and addresses, if known, of each attorney who  
10 represented you in the following stages of the underlying  
11 judgment:

12 (a) At preliminary hearing: N/A

13 (b) At arraignment and plea: N/A

14 (c) At change of plea: N/A

15 (d) At trial: N/A

16 (e) At sentencing: N/A

17 (f) On appeal: N/A

18 (g) In any post-conviction proceedings: N/A

19 (h) On appeal from any adverse ruling in post conviction  
20 proceedings: N/A

21 (i) Other:

22 (j) Other:

23 22. Do you have any future sentence to serve after you complete the  
24 sentence imposed by the underlying judgment in your case?

25 NO

26 23. If you are seeking leave to proceed in forma pauperis, have  
27 you completed the sworn affidavit setting forth the required  
28 information?  
Yes.


**PRAYER FOR RELIEF**

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

Dated: 01-24-03, 2003.

Respectfully submitted,

 [SIGN NAME]  
Vet Buot  
No. 20378-461  
FDC SeaTac  
P.O. Box 13900  
SeaTac, WA 98198-1090

In Propria Persona